

VIRGINIA:

ORIGINAL
(Red)

IN THE CIRCUIT COURT OF HANOVER COUNTY

COMMONWEALTH OF VIRGINIA, ex rel.,
STATE WATER CONTROL BOARD,



SEMS DocID 2334567

Plaintiff,

v.

Chancery
No. 8A-1981

LIQUID WASTE DISPOSAL, INC.

and

G. C. KIRKMYER, JR.

Defendants..

TEMPORARY INJUNCTION

This action was commenced by the Commonwealth of Virginia at the relation of the State Water Control Board ("Board"), for alleged violations of a no-discharge certificate and special order issued by the Board.

It being represented to the Court that the defendants intend to close down their Hanover County facility and that the parties have agreed to the entry of a temporary injunction consistent with the pleadings herein, and for good cause shown, is hereby ORDERED, ADJUDGED and DECREED:

1. That the defendants, Liquid Waste Disposal, Inc. ("Liquid Waste"), and G. C. Kirkmyer, Jr. ("Kirkmyer"), forthwith and in close consultation with the Piedmont Regional Office of the Board and with the Division of Solid and Hazardous Waste Management of the State Health Department, perform such studies as are necessary to determine the extent of contamination of the ground at the liquid waste site in Hanover County, and that Liquid Waste and Kirkmyer thereafter prepare, in close consultation with the Board's regional office and the Health Department's Division of

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HAZARDOUS MATERIALS DIVISION

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Solid and Hazardous Waste Management, a plan and schedule for cleanup of the site by removing, treating, immobilizing, or otherwise dealing with the contaminated soil and drums at the site.

2. That on or before March 1, 1981, Liquid Waste and Kirkmyer submit to the Piedmont Regional Office of the Board and to the Division of Solid and Hazardous Waste of the State Health Department a plan, including a schedule for implementation of the plan, acceptable to the Executive Secretary of the Board and the Director of the Division of Solid and Hazardous Waste of the State Health Department, for reclamation of the Hanover County site. This plan shall set out in detail an acceptable procedure for promptly disposing of or otherwise acceptably dealing with all hazardous materials present in the soil or in drums on the Hanover County site. This plan shall be reasonably designed to ensure that all soil and other materials remaining at the site will pass the test for EP toxicity (See 40 CFR § 261.24) and will be essentially free of polychlorinated biphenyls and pesticides.

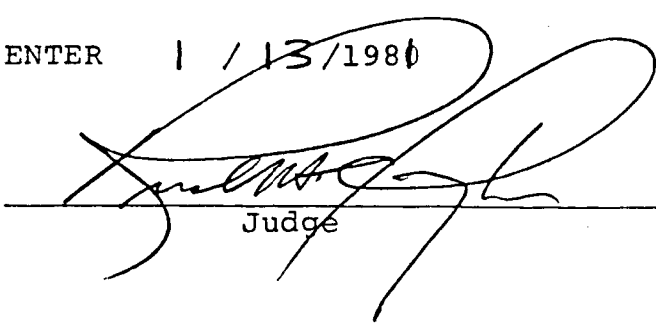
3. That upon approval of the submitted plan by the Executive Secretary of the Board and the Director of the Division of Solid and Hazardous Waste Management, Liquid Waste and Kirkmyer shall execute the plan, upon the approved schedule.

It is further ORDERED that this injunction expire two years from the date of entry hereof, and thereafter stand dissolved unless before that date it has been enlarged by the Court. Notwithstanding the foregoing, either defendant may move the Court for the dissolution of this injunction and the Board has agreed it will not oppose such a motion three months after the defendants have fully complied with

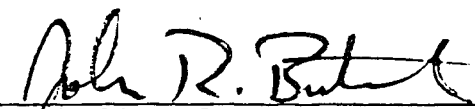
this order and have submitted test results acceptable to the Board showing that soil and other materials on the site pass the test for EP toxicity and are essentially free of polychlorinated biphenyls and pesticides.

This cause shall remain on the docket. Let the Clerk send a certified copy of this Order to each counsel of record.

ENTER 1 / 13 / 1980


Judge

We ask for this:

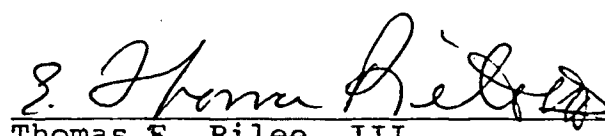

Marshall Coleman
Attorney General of Virginia

James E. Moore
Deputy Attorney General

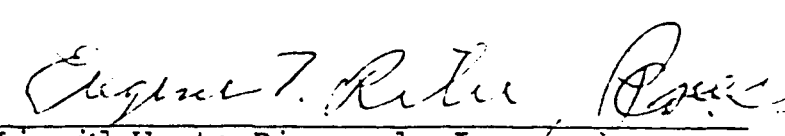
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Seen:


c. Thomas E. Rilee, III
Rilee & Cantor
1011 E. Main Street
Richmond, Virginia 23219

Seen and agreed to:


Liquid Waste Disposal, Inc.
Eugene T. Rilee, Jr., President


G. C. Kirkmyer, Jr.